

Application No.: 10/694,479

Docket No.: TRAUMA 3.0-448

IN THE DRAWINGS

FIG. 3 has been amended. New FIGS. 9-12 are attached hereto.

Attachment: Replacement Sheets

REMARKS

Reconsideration and withdrawal of the rejection of all the claims now in the application (i.e., claims 1-21) is respectfully requested in view of the foregoing amendments and the following remarks.

Initially Applicants would like to thank the Examiner for her indication that claims 1-10 were allowable.

The Examiner then went on to object to the drawings because the numeral 44 was inadvertently indicated as the numeral 4 in FIG. 3. Applicants have attached a replacement sheet of drawings with the FIG. 3 corrected.

The Examiner then rejected claims 11-21 as failing to comply with the enablement requirement of 35 U.S.C. § 112 first paragraph. The drawings of the application did not include drawings of the nail with which the instrumentation is to be used. However, the specification described the nail and how it is used with the targeting apparatus. Paragraph [0006] refers to copending U.S. Application 10/391,896 filed on March 19, 2003 now U.S. Publication 2004/0010252. The targeting apparatus shown in that publication is described in detail in the summary of the invention and is also referred to in paragraphs [0028] and [0030] of the detailed description. Specifically, paragraph [0030] states that "a retaining bar 26 exhibits a first cylindrical portion 28 at the end of which an end of a locking nail, which is not shown, can be mounted in a manner which is not depicted in detail, as illustrated in copending U.S. Application Ser. No. 10/391,896". It appears clear from the numerous references to this prior application that it was Applicants' intent to include the teachings of the prior application with regard to the nail and targeting apparatus. Applicants have included several figures from the previous application as new FIGS. 9-12 in the present application. These drawings have been described with the text already in the

present application by adding numerals to paragraph [0030] and [0031] referring to the various elements mentioned in for example paragraph [0030]. This material is not to be considered new matter since it was already described in the present application and was incorporated therein by reference to the earlier application. Since the Examiner has not cited any prior art in rejecting claims 11-21 and since one skilled in the art could easily have deduced the nail and targeting arm design claimed from reference to the specification it is submitted that these claims are in condition for allowance.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: May 8, 2007

Respectfully submitted,

By

Raymond W. Augustin

Registration No.: 28,588

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicants

# ANNOTATED SHEET SHOWING CHANGES

